

E AND R AMENDMENTS TO LB 546

Introduced by Larson, 40, Chairperson Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 71-6403, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 71-6403 (1) There is hereby created the state building
6 code. The Legislature hereby adopts by reference:

7 (a) The International Building Code (IBC), ~~2000~~ 2009
8 edition, published by the International Code Council;

9 (b) The International Residential Code (IRC), ~~2000~~
10 ~~edition,~~ 2009 edition, except section R313, published by the
11 International Code Council; and

12 (c) The International Existing Building Code, 2009
13 Edition, published by the International Code Council.

14 (2) The codes adopted by reference in subsection (1) of
15 this section shall constitute the state building code except as
16 amended pursuant to the Building Construction Act or as otherwise
17 authorized by state law.

18 ~~(3) Whenever a new edition of the codes adopted in~~
19 ~~subsection (1) of this section is published, such new edition shall~~
20 ~~be considered the state building code.~~

21 Sec. 2. Section 71-6405, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 71-6405 All state agencies, including all state

1 constitutional offices, state administrative departments, and
2 state boards and commissions, the University of Nebraska, and the
3 Nebraska state colleges, shall comply with the state building
4 code. No state agency may adopt, promulgate, or enforce any rule
5 or regulation in conflict with the state building code unless
6 otherwise specifically authorized by statute to adopt or enforce
7 a building or construction code other than the state building
8 code. Nothing in the Building Construction Act shall authorize
9 any state agency to apply such act to manufactured homes or
10 recreational vehicles regulated by the Uniform Standard Code for
11 Manufactured Homes and Recreational Vehicles or to modular housing
12 units regulated by the Nebraska Uniform Standards for Modular
13 Housing Units Act. A state agency may, by rule or regulation, amend
14 the state building code by adopting any supplement, ~~new edition,~~
15 or appendix of the International Building Code (IBC), ~~2000~~ 2009
16 edition, International Residential Code (IRC), ~~2000 edition,~~ 2009
17 edition, or the International Existing Building Code, 2009 Edition,
18 referred to in section 71-6403, except that all amendments shall
19 be approved in advance by the Director of Administrative Services.
20 Amendments to the state building code may also include variations
21 from the code which will reduce unnecessary costs of construction,
22 increase safety, durability, or efficiency, or address special
23 local conditions within the state and may include adoption of
24 section R313 of the 2009 edition of the International Residential
25 Code.

26 Sec. 3. Section 71-6406, Revised Statutes Cumulative
27 Supplement, 2010, is amended to read:

1 71-6406 (1) Any political subdivision may enact,
2 administer, or enforce a local building or construction code if or
3 as long as such political subdivision adopts the state building
4 code. The political subdivision shall regularly update its code.
5 For purposes of this section, a code shall be deemed to be
6 regularly updated if the most ~~recent edition~~ recently enacted state
7 building code is adopted by the political subdivision within two
8 years. ~~after the publication date of the edition.~~ No political
9 subdivision may adopt or enforce a local building or construction
10 code other than as provided by this section.

11 (2) A political subdivision may amend its local building
12 or construction code if the amendment:

13 (a) Conforms generally with the state building code;

14 (b) Adopts a special or differing building standard by
15 modifying or deleting any portion of the state building code in
16 order to reduce unnecessary costs of construction, increase safety,
17 durability, or efficiency, or address special local conditions
18 within its jurisdiction; ~~or~~

19 (c) Adopts any supplement, new edition, appendix, or
20 component or combination of components of the state building code;
21 or.

22 (d) Adopts section R313 of the 2009 edition of the
23 International Residential Code.

24 (3) A political subdivision may adopt and promulgate
25 amendments for the proper administration and enforcement of its
26 local building or construction code including organization of
27 enforcement, qualifications of staff members, examination of plans,

1 inspections, appeals, permits, and fees. Any amendment adopted
2 pursuant to this section shall be published separately from
3 the local building or construction code. Fees, if any, for
4 services which monitor a builder's application of codes shall
5 be negotiable between the political subdivisions involved, but such
6 fees shall not exceed the actual expenses incurred by the political
7 subdivision doing the monitoring.

8 (4) Notwithstanding the provisions of the Building
9 Construction Act, a public building of a political subdivision
10 shall be built in accordance with the applicable local building or
11 construction code.

12 Sec. 4. Original sections 71-6403, 71-6405, and 71-6406,
13 Revised Statutes Cumulative Supplement, 2010, are repealed.

14 2. On page 1, strike beginning with "state" in line 1
15 through "Code" in line 5 and insert "Building Construction Act;
16 to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes
17 Cumulative Supplement, 2010; to change provisions relating to the
18 state building code and local building or construction codes".